

Exhibit 7

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 _____
5 NATIONAL RAILROAD PASSENGER CORPORATION,
6 Plaintiff,
7 -against-
8 ARCH SPECIALTY INSURANCE COMPANY, ET AL.,
9 Defendants.

10 14 Civ 7510 (JSR)
11 _____

12 March 20, 2015
13 10:16 a.m.
14

15 CONTINUED DEPOSITION of PAUL L.
16 KELLEY, taken by Plaintiff, pursuant to
17 Notice, held at the offices of ANDERSON
18 KILL, P.C., 1251 Avenue of the Americas,
19 New York, New York before Wayne Hock, a
20 Notary Public of the State of New York.
21
22
23
24
25

<p style="text-align: right;">Page 361</p> <p>1 P. L. Kelley -- CONFIDENTIAL</p> <p>2 MR. FINAZZO: Objection.</p> <p>3 What does this have to do with</p> <p>4 anything, Mr. Powell? What does it</p> <p>5 have to do with anything in this case,</p> <p>6 anything?</p> <p>7 MR. POWELL: He's your expert.</p> <p>8 It's relevant.</p> <p>9 MR. FINAZZO: How so? How so?</p> <p>10 MR. POWELL: It's relevant to his</p> <p>11 involvement as a professional</p> <p>12 engineer.</p> <p>13 MR. FINAZZO: So when Amtrak</p> <p>14 derails trains, that's relevant?</p> <p>15 Go ahead. I'm just -- I'm</p> <p>16 aghast at this.</p> <p>17 Q. May I have an answer?</p> <p>18 A. They got pretty banged up. I</p> <p>19 think everybody recovered. It was a good</p> <p>20 thing nobody got seriously maimed.</p> <p>21 Q. In the litigation, did you</p> <p>22 provide sworn testimony either at trial or</p> <p>23 in deposition?</p> <p>24 A. I was deposed.</p> <p>25 Q. In the personal injury</p>	<p style="text-align: right;">Page 363</p> <p>1 P. L. Kelley -- CONFIDENTIAL</p> <p>2 submitted to Amtrak on Monday in</p> <p>3 response to the Amtrak RFP that was</p> <p>4 issued in January but not provided to</p> <p>5 us until sometime this month had been</p> <p>6 produced. We cannot find that in the</p> <p>7 production. That means that either</p> <p>8 Mr. Healy was mistaken or we can't</p> <p>9 find it, but my expectation is he</p> <p>10 simply was mistaken.</p> <p>11 But simply because you're the</p> <p>12 only person here right now, we're</p> <p>13 demanding that that be produced today</p> <p>14 or, if it has been produced, it's a</p> <p>15 relatively simple chore to tell us</p> <p>16 what Bates numbers.</p> <p>17 I would ask that you report that</p> <p>18 back to Ms. Orin and that it be dealt</p> <p>19 with.</p> <p>20 MR. CHURCH: And I'd like to join</p> <p>21 that request for the support schedules</p> <p>22 used to support the basis of HNTB's</p> <p>23 cost estimates in appendix B which I</p> <p>24 don't believe we have ever seen. And</p> <p>25 if you have produced those support</p>
<p style="text-align: right;">Page 362</p> <p>1 P. L. Kelley -- CONFIDENTIAL</p> <p>2 litigation?</p> <p>3 MR. FINAZZO: Objection.</p> <p>4 Q. As opposed to the OSHA</p> <p>5 litigation.</p> <p>6 A. It's a long time ago, we're</p> <p>7 talking about -- it must be 1980s. I</p> <p>8 testified at at least one OSHA informal</p> <p>9 hearing and at least one OSHA</p> <p>10 administrative hearing and I don't think I</p> <p>11 was deposed in the OSHA issue. And I</p> <p>12 believe I was deposed in the personal</p> <p>13 injury matter, but it didn't go to trial.</p> <p>14 MR. POWELL: No further</p> <p>15 questions.</p> <p>16 MR. FINAZZO: Just before we go</p> <p>17 off the record, two matters, Mr.</p> <p>18 Powell.</p> <p>19 I just want to make clear on the</p> <p>20 record that we're demanding production</p> <p>21 of any photographs that are in the</p> <p>22 possession of Amtrak that have not</p> <p>23 been produced yet.</p> <p>24 And also, Mr. Healy represented</p> <p>25 to us yesterday that the HNTB proposal</p>	<p style="text-align: right;">Page 364</p> <p>1 P. L. Kelley -- CONFIDENTIAL</p> <p>2 schedules, tell us the Bates number.</p> <p>3 If you haven't, give us appendix B in</p> <p>4 native format and the support</p> <p>5 schedules in native format.</p> <p>6 MR. POWELL: So my objection is</p> <p>7 that, for purposes of our running</p> <p>8 time, my question, our time ceases to</p> <p>9 run at the end of my questioning. I'd</p> <p>10 be happy to talk to you about this off</p> <p>11 record, on record. I'm not the guy.</p> <p>12 But if you give me something, an</p> <p>13 e-mail, something in writing, because</p> <p>14 I won't have the transcript, I will</p> <p>15 pass it on as Mr. Finazzo requests.</p> <p>16 MR. FINAZZO: That's fair enough.</p> <p>17 MR. SURIANO: Those requests are</p> <p>18 made on behalf of all defendants, not</p> <p>19 just --</p> <p>20 MR. POWELL: I understand. I</p> <p>21 will pass those requests on.</p> <p>22 (CONTINUED ON NEXT PAGE)</p> <p>23</p> <p>24</p> <p>25</p>